



Date: October 16, 2019

To: United States House of Representatives Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife

RE: H.R. 3742, Recovering America's Wildlife Act, and H.R. 2795, Wildlife Corridors
Conservation Act

From: The Congressional Sportsmen's Foundation
Jeffrey S. Crane
President

Dear Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee:

I write today to express strong support for H.R. 3742, the Recovering America's Wildlife Act, and opposition to H.R. 2795, the Wildlife Corridors Conservation Act.

Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill with nearly 250 Members of Congress from both the House and Senate. Fifteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 49 state legislative caucuses, and includes over 2,500 legislators. Ten years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which includes more than half the governors from throughout the country. Together, this collective force of bipartisan elected officials works to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

H.R. 3742: Recovering America's Wildlife Act

Introduced in a bipartisan fashion by Congressional Sportsmen's Caucus Vice-Chair Representative Debbie Dingell (MI) and Congressional Sportsmen's Caucus Member Representative Jeff Fortenberry (NE), Recovering America's Wildlife Act, if enacted, would be one of the greatest and most meaningful financial contributions to fish and wildlife conservation in our nation's history. This legislation would dedicate \$1.3 billion annually to state-led conservation efforts and \$97.5 million annually to tribal fish and wildlife managers to further on-the-ground, collaborative conservation efforts.

H.R. 3742 now has the support of more than 120 bipartisan cosponsors including many members of the Natural Resources Committee. This legislation is one of the highest priorities for the Congressional Sportsmen's Foundation and many other sporting-conservation organizations, including the 36 organizations who joined CSF in a letter of support for Recovering America's

Wildlife and other priorities that was sent to the full Natural Resources Committee on September 4th.

For over 80 years, America's hunters, anglers, target shooters, and boaters have been the primary funders of fish and wildlife conservation in the United States. Through the funds generated from the Federal Aid in Wildlife Restoration Act of 1937, or more commonly known as the Pittman-Robertson Act (P-R) and the subsequent Federal Aid in Sport Fish Restoration Act of 1950, known as the Dingell-Johnson Act and Wallop-Breaux amendment, and associated sporting license purchases, sportsmen and women have contributed over \$62 billion to state fish and wildlife agencies for on-the-ground conservation efforts, or roughly \$3.4 billion annually in recent years. As a result, iconic species such as wood ducks, elk, pronghorn antelope, striped bass, and other species that once faced grave uncertainty are now thriving today.

However, as our nation's state fish and wildlife agencies face ever-increasing conservation challenges, a new 21st Century funding source is necessary to compliment, not replace, the financial contributions of sportsmen and women to strengthen state agencies' capacity to conserve all species.

In 2001, Congress amended the Pittman-Robertson Act to include a subaccount known as the Wildlife Conservation and Restoration Program to provide additional funding for wildlife restoration and conservation and appropriated \$50 million to the subaccount "for the development, revision, and implement of wildlife conservation, and restoration plans and programs". However, Congress has only appropriated funding for the development of these plans in FY2001, but state agencies are still mandated to develop, revise, and submit these plans to Congress and the U.S. Fish and Wildlife Service for approval every 10 years despite lack of funding.

These plans are known as State Wildlife Action Plans (SWAPs), which serve as a blueprint for identifying each state and territory's unique conservation needs. Collectively, SWAPs have identified more than 12,000 fish and wildlife as *species of the greatest conservation need*. While almost every SWAP include iconic game species such as Northern Bobwhite Quail in the Southeast, Prairie Grouse in the West, and many waterfowl species in the Northeast, most SWAPs are comprised largely of those species that are not hunted and fished, but share common habitat needs with game species.

A survey of all fish and wildlife agencies that are required to submit SWAPs estimated that \$1.3 billion annually would be needed to implement these plans, however, states currently receive only 5 % of the funding that is necessary conserve the 12,000 species in the greatest need of conservation. For this reason, the 2015 Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources developed a recommendation for Congress to dedicate \$1.3 billion annually to state fish and wildlife agencies to conserve our nation's fish and wildlife that are falling through the cracks, which generated the introduction of the Recovering America's Wildlife Act.

Recovering America's Wildlife would provide \$1.3 billion annually to the authorized, but currently unfunded, Wildlife Conservation and Restoration subaccount included in the Pittman-

Robertson Act, which would then be directed to state fish and wildlife agencies to address the unique conservation challenges identified in their SWAPs. This legislation would also provide \$97.5 million annually to tribal nations to conserve the fish and wildlife that share their lands and waters. This legislation also requires a 25 % non-federal match from state agencies, which is a clear indication that the states are willing to have skin in the game to contribute to this unique opportunity to conserve thousands to iconic game and non-game species. Our nation faces a significant problem with many species facing uncertainty, but this legislation provides a proactive, tangible solution to address this profound challenge.

The House Natural Resources Committee played an instrumental role in developing and leading S. 47, the John D. Dingell Jr. Conservation, Management, and Recreation Act, which was one of the most significant bipartisan legislative victories in the last decade. To that end, the Congressional Sportsmen's Foundation urges the Committee to prioritize and advance this bill to build off bipartisan success that the Committee has shown to be possible.

H.R. 2795: Wildlife Corridors Conservation Act

CSF recognizes that emerging science reinforces previous findings that migratory fish and wildlife populations have specific needs in order to successfully transition from one habitat to another. In addition, we recognize that anthropogenic modifications to these landscapes and waterscapes have altered habitats, in some cases having the unintended consequence of limiting fish and wildlife species' ability to successfully navigate migration pathways. Many iconic species such as elk, deer, migratory birds, salmon, steelhead, striped bass – all important to America's sportsmen and women – have been and continue to be impacted by degraded or unmanaged habitat, obstructions and barriers that limit these species' ability to thrive in abundance. For this reason, CSF has incorporated migration corridor conservation into our programming in order to provide decision makers with accurate and timely information about ongoing efforts and future opportunities to conserve habitats that facilitate fish and wildlife movement based on species needs.

With this in mind, CSF supports locally-driven and supported migration corridor conservation efforts, such as those facilitated by efforts like Department of the Interior Secretarial Order No. 3362 which is designed to improve habitat quality in western big-game winter range and migration corridors. The agency actions that have occurred since issuance of this order are significant because they provide state fish and wildlife agencies with support for research needs as well as new and ongoing work to deliver on-the-ground habitat conservation services for species that fall under their respective jurisdictions. The resulting cooperation between state and federal agencies, non-governmental organizations (NGOs), industry and private landowners is now delivering measurable results that will have lasting impact.

The Wildlife Movements Grant Program outlined in Sec. 301 of H.R. 2795 recognizes these needs and makes important stakeholders such as federal agencies, state fish and wildlife agencies, landowners and local governments eligible for funding to advance corridor conservation. However, we are concerned that the process outlined in the bill unnecessarily complicates ongoing work to coordinate cooperative migration habitat efforts and through the creation of standards outlined in §302(e)(1), potentially prescribes a one-size-fits-all "solution"

that could make migration corridor conservation more costly, administratively burdensome, less specific to the needs of each respective state and ultimately, less efficient.

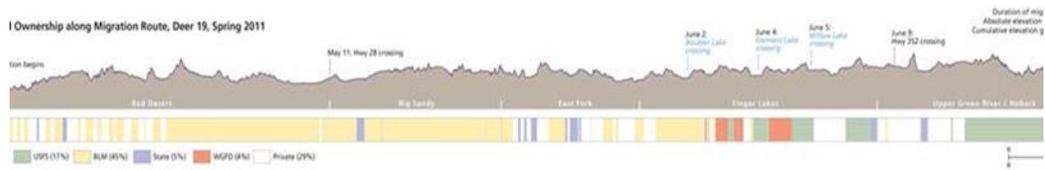
We would also draw the Committee’s attention to Section 104 which calls for “collaboration and coordination.” CSF recognizes the value of activities and actions that meet the standard of true partnerships. However, we would also point out that these terms have been defined and utilized inconsistently. As noted in a Western Association of Fish and Wildlife Agencies White Paper entitled *Wildlife Management Subsidiarity*, “using different terms, such as “coordination,” “cooperation” and “consultation” lead to inconsistent relationships between state and federal agencies, often resulting in a diminished state role. Without clear statutory language that establishes the states’ primary wildlife management jurisdiction and a nondiscretionary federal duty to cooperate with the states, state authority will continue to erode and be subject to ever-changing federal policies.”

Implementation of S.O. 3362 has shown that state fish and wildlife agencies’ willingness and ability to identify migration corridors and develop strategies to maintain or improve their integrity varies significantly from state-to-state. Applying the same national standards to a state that has not yet collected significant data on wildlife movement with one that has decades of data, defined corridors and developed a conservation strategy fails to take into account the unique needs of each state. Further, the proposed National Coordination Committee proposed by §302(c) is weighted heavily in the direction of federal agency representation, potentially making its priorities and standards subject to the political whims of each presidential administration and minimizing the role of state fish and wildlife agencies that have trust resource management jurisdiction over targeted species.

In and of itself, the prospect of creating a new National Wildlife Corridor designation along with a National Wildlife Corridor System may have unintended consequences. In many areas that prominently feature the presence of federal land, special management designations have sparked controversy due to real or perceived impacts to the livelihoods of local residents and communities’ social and economic wellbeing. When these controversies arise, cooperative conservation becomes more difficult, particularly on privately held parcels of land.

These private parcels – and the willing cooperation of the people that own them – are critical to the effective conservation of fish and wildlife migration routes. For example, Figure 1 shows a cross-section of land ownership along the famed Red Desert to Hoback mule deer migration route. While this migration corridor features a great deal of federal land holdings represented largely by yellow and green on the chart, white sections represent private landholdings. These areas demonstrate that without the buy-in of the private landowners that own them, the facilitation of mule deer movement and habitat improvement on government lands does not necessarily lead to successful outcomes for wildlife on a landscape scale.

Figure 1: Red Desert to Hoback Migration Corridor Land Ownership



Given that the applicable federal land agencies are given a great deal of discretion to determine “compatible” uses as proposed in §103(d), landowners adjacent to federal lands may view the establishment of a National Wildlife Corridor negatively due to the uncertainty associated with this deferential provision. Given that the proposal is undeniably permissive (i.e. “A use of Federal land or water that was authorized before the date on which the Federal land or water is designated as a National Wildlife Corridor *may* [emphasis added] continue if the applicable Secretaries determine that the use is compatible with the wildlife movements of the species,”), agencies would have the authority to significantly restrict or ban activities on federal land within the designated corridor even if they are found to be compatible with the goals of the corridor. The predictable uncertainty associated with this proposed language, while perhaps well-intended, ultimately makes cooperative, locally-driven conservation in partnership with the private landowners that are critically important to maintaining or improving the integrity of fish and wildlife migration corridors less likely.

CSF also has concerns with §104(d)(1)(A) which would allow NGOs to nominate land and waterscapes for inclusion in the National Wildlife Corridor System. It is our firm belief that existing statutes and regulations provide ample opportunity for the public (including NGOs) to participate in land management planning processes that consider the needs of wildlife. As proposed in H.R. 2795, allowing NGOs to formally nominate federally designated Wildlife Migration Corridors is not only redundant, it is also likely to lead to an inefficient use of taxpayer resources in a scenario under which government officials would presumably be required to thoroughly review and consider each nomination. Given the low threshold for submitting a proposed corridor nomination under this scenario, NGOs could have a perverse incentive for nominating a National Wildlife Corridor that has little or no local support solely for the purpose of facilitating a cause-based fundraising initiative that takes advantage of wildlife advocates with little to no knowledge of the area being nominated.

State fish and wildlife agencies have also expressed concern about the impact that new federal land designations have on their ability to meet their respective missions. For example, a 2016 resolution adopted by the Arizona Game and Fish Commission notes that the agency has “experienced adverse impacts resulting from special land use designations including loss of motorized access, project delays, increased costs, increased man-hours, and legal challenges. These ultimately lead to decreased efficiency in conserving and managing Arizona’s wildlife resources.” Given that the Department of the Interior is currently using existing authorized programs to improve wildlife corridor connectivity and conservation, this leads one to wonder if many of the strategies proposed in H.R. 2795 are necessary to achieve the stated goals of the bill.

Finally, CSF opposes §401(d)(2) because it appears to equate regulated trapping with poaching

and illegal take of wildlife and also states that the activity represents a threat to native species. In general, trapping is a highly regulated activity that is managed effectively by state fish and wildlife agencies using science produced by experts in the field of wildlife biology. Trapping has long been proven to be an effective wildlife management tool and one that can advance species conservation objectives, particularly in areas where wildlife demonstrates predictable behavior in relatively confined areas such as migration corridors. While CSF supports efforts to limit the availability of data that can lead wildlife law violators to areas where they can more effectively target specific species using methods already outside the bounds of the law, regulated trapping should not be referenced in connection with these activities under any circumstances.

For the reasons summarized above, we cannot support H.R. 2795.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Crane", with a long horizontal flourish extending to the right.

Jeffrey S. Crane
President